

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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July 19, 2007

**BY HAND**

Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENCLOSED**

Re: David Fernandez v. City of New York, et al., 07 CV 3495 (SHS)

Dear Judge Stein:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York in the above-referenced action. I write to respectfully request an adjournment of the initial conference now set for July 26, 2007, at 10:00 a.m. Plaintiff's counsel consents to this request.

The reason for this request is that depositions have been scheduled in another matter that I am handling for the entire day on July 26, 2007. I am unable to reschedule the depositions because the Court in that case has ordered that they take place before the end of this month, and the witnesses are not available on any other dates. Moreover, I am currently scheduled to be on trial in the Eastern District of New York before a visiting judge, the Honorable Bernard A. Friedman of the Eastern District of Michigan, in another matter in late July and early August. Judge Friedman has directed that counsel for the parties in that case be available for trial during the period from July 31, through August 10, 2007. Judge Friedman has several matters calendared for trial during that time frame, and he intends to try each case immediately on conclusion of the previous trial that has been assigned to him, as he will be in New York only for a limited time period. Accordingly, the exact dates of the trial in the matter that I am handling have not yet been set and are not expected to be determined in advance.

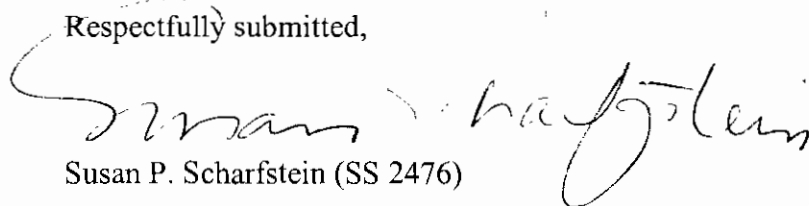
After conferring with plaintiff's counsel, we have determined that both counsel are available for the conference during the week of August 13, August 24, August 27, August 29,

August 30, and August 31, 2007. Accordingly, we respectfully request that the conference be adjourned to one of these dates.

No previous request for an adjournment of this conference has been made. Accordingly, we respectfully request that the Court adjourn the initial conference to one of the proposed dates set forth above or to a date thereafter that is convenient for the Court.

Thank you for your consideration herein.

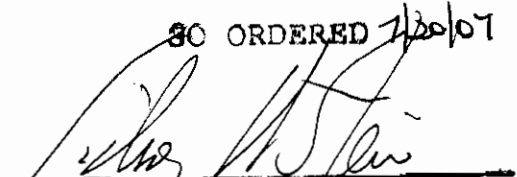
Respectfully submitted,

  
Susan P. Scharfstein (SS 2476)

cc: Anthony Cecutti, Esq.  
Romano & Kuan, PLLC  
100 Lafayette Street, Suite 401  
New York, NY 10013  
(by hand)

*The conference is adjourned  
to 8/31/07, at 10:00 a.m.*

SO ORDERED 7/20/07

  
SIDNEY H. STEIN  
U.S.D.J.